

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 17119 of 2007(K)

PETITIONER:

SRI.KURIAN MANI, S/O.MANI, PULLATT
HOUSE, KURYANAD KARA, MOONIPPILLY VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR, KOTTAYAM.
3. THE SPECIAL DEPUTY TAHSILDAR (R R)
KSFE LTD, M.D.COMMERCIAL CENTRE, KOTTAYAM.
4. THE VILLAGE OFFICER, MOONIPPALLY VILLAGE
OFFICE, MEENACHIL TALUK.
5. KERALA STATE FINANCIAL ENTERPRISES,
KURAVILANGAD, KOTTAYAM BRANCH,
REPRESENTED BY ITS MANAGER.
6. P.M.JACOB, PAVAKKAL HOUSE, KURYANAD P.O.
KOTTAYAM DISTRICT.

R5 BY ADV. SRI.M.L. SAJEEVAN/SRI. M.SASINDRAN, SC, K.S.F.E., LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 17119 OF 2007

Dated this the 5th day of June, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for the KSFE. Petitioner is not contesting the liability which is around Rs. 5.5 lakhs. The only contention of the petitioner is that sale of part of the property will be sufficient to take care of debt. The property under attachment is 35.40 ares of land with a house therein. I feel one more opportunity can be granted to the petitioner to arrange for sale of part of the property and settle the liability on condition that if he fails to do so, petitioner will surrender possession of the land and house to the third respondent for sale in auction without any delay. In the circumstances, W.P. is disposed of directing respondents 3 and 4 to withhold recovery proceedings till 31st July, 2007 for the petitioner to arrange for a buyer for any part of the property and settle liability. It is open to the petitioner to enter into agreement for sale for any part of the property. However, no sale deed will be executed before settling the liability. If liability is not settled by 31st July, 2007, there will be

direction to the petitioner to surrender land and building free of possession to the third respondent, failing which third respondent can move this Court for initiating contempt against the petitioner, besides taking over possession through police assistance.

(C.N.RAMACHANDRAN NAIR)
Judge

